

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MANUEL I. SANTIAGO,

Plaintiff,

v.

23-CV-967-LJV  
DECISION & ORDER

KCG DEVELOPMENT, LLC, *et al.*,

Defendants.

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On November 6, 2023, the defendants, KCG Development and AP Lofts, moved to dismiss the complaint filed by the *pro se* plaintiff, Manuel I. Santiago. Docket Item 6. This Court then issued a scheduling order requiring Santiago to respond by November 28, 2023, and giving the defendants until December 12, 2023, to reply. Docket Item 7. When Santiago failed to respond, the defendants filed a letter addressing that failure. Docket Item 9.

On December 15, 2023, this Court ordered Santiago to show cause, by January 14, 2024, why it should not “decide the motion to dismiss based only on the defendants’ submissions.” Docket Item 10. Santiago did not respond to the Court’s order to show cause, and the time to do so has long passed. See Docket Item 11 (letter from defendants noting that Santiago has not “filed any documents in response to the Court’s instruction”).

On May 23, 2024, this Court ordered Santiago to show cause “why his claims should not be deemed abandoned and dismissed” based on his failure to respond to the defendants’ motion. Docket Item 12; see, e.g., *Johnson v. Comm'r of Soc. Sec.*, 519 F. Supp. 2d 448, 448-49 (S.D.N.Y. 2007) (noting that because the plaintiff failed to

respond to a motion to dismiss, the Court “may deem [the plaintiff’s] claims as abandoned”); *Palmer v. BCE Inc.*, 2004 WL 1752601, at \*2 (W.D.N.Y. Aug. 4, 2004) (finding that the plaintiff’s “failure to respond to [the] defendant’s motion to dismiss evidences his abandonment of the action”). The Court cautioned that “[i]f Santiago does not respond by **June 21, 2024**, this Court will deem his claims abandoned and grant the [defendants’] motion to dismiss on that basis.” Docket Item 12 (emphasis in original).

Santiago again failed to respond to this Court’s order to show cause, and the time to do so has passed. Accordingly, this Court hereby deems Santiago’s claims abandoned and GRANTS the defendants’ motion to dismiss, Docket Item 6. The Clerk of the Court shall close this case.

SO ORDERED.

Dated: July 1, 2024  
Buffalo, New York

/s/ Lawrence J. Vilardo  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE